

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

ROBERT WADE,

Defendant.

19-cr-875 (SHS)

ORDER

SIDNEY H. STEIN, U.S. District Judge

On February 13, 2023, Robert Wade was sentenced principally to a term of imprisonment of 168 months. (Transcript of Sentence Proceeding, ECF No. 200 at 53.) On October 16, 2024, Wade filed a motion pursuant to 18 U.S.C. § 3582(c)(2) requesting that the Court reduce his sentence pursuant to Amendment 821 to the United States Sentencing Guidelines (the “Sentencing Guidelines”), which went into effect on November 1, 2023 and applies retroactively. (ECF No. 218.) The United States Probation Department has issued a report indicating that Wade is not eligible for a sentence reduction. (ECF No. 219.)

Amendment 821 amended the Sentencing Guidelines in two respects. Part A amends section 4A1.1—entitled “Criminal History Category”—by reducing from two points to one point the upward adjustment for offenders who committed the instant offense while under any criminal sentence, and by limiting this adjustment to defendants who received seven or more criminal history points. Part B amends section 4C1.1—entitled “Adjustment for Certain Zero-Point Offenders”—by providing a two-level offense level reduction for offenders with zero criminal history points who meet specified eligibility criteria.

The Court has considered the record in this case and determines that Wade is precluded from a sentence reduction. At sentencing, the Court determined a Total Offense Level of 28 and Criminal History Category of VI, resulting in a sentencing guideline range of 140 to 175 months. (ECF No. 200 at 53.) Wade is ineligible for the zero-point offender recalculation under section 4C1.1 because he has more than zero criminal history points. Furthermore, although his criminal history points are reduced from 14 to 13 pursuant to section 4A1.1, this reduction does not change his Criminal

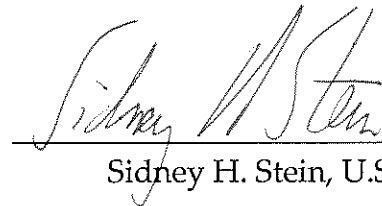
History Category of VI. Accordingly, Wade's Total Offense Level and Criminal History Category do not change as a result of Amendment 821, and Wade is not eligible for a sentence reduction.

Defendant's motion for a sentence reduction is hereby DENIED.

The Clerk of Court is directed to mail a copy of this Order to Robert Wade (#87658-054), USP Coleman II, U.S. Penitentiary, P.O. Box 1034, Coleman, FL 33521.

Dated: December 26, 2024
New York, New York

SO ORDERED.



Sidney H. Stein, U.S.D.J.